UNITED
NATIONS

TD

United Nations Conference
on Trade and Development

Distr.
GENERAL

TD/CODE.2/10
4 June 1991

Original: ENGLISH

UNITED NATIONS REVIEW CONFERENCE ON
A CONVENTION ON A CODE OF CONDUCT
FOR LINER CONFERENCES
Geneva, 21 May 1991
Agenda item 7 (b)

REPORT OF THE CREDENTIALS COMMITTEE

1. At its ninth plenary meeting on 23 May 1991, the Conference, in accordance with rule 4 of its rules of procedure, appointed nine members of the Credentials Committee as follows: Algeria, China, Ireland, Niger, Republic of Korea, Trinidad and Tobago, United States of America, Union of Soviet Socialist Republics and Uruguay.

2. The Committee held a meeting on 4 June 1991 and unanimously elected Mrs. Clare O'Flaherty (Ireland) as Chairman.

3. The Secretariat informed the Committee that credentials issued in accordance with rule 3 of the rules of procedure had been received for the representatives of 102 States.

4. The Committee found these credentials to be in due and proper form and recommends that they be accepted by the Conference.

- - - - -

GE.91-50974/0358H

CONTENTS (continued)

Rule		Page
	XI. PUBLIC AND PRIVATE MEETINGS	
58.	General principles	15
59.	Communiqués on private meetings	15
	XII. OTHER PARTICIPANTS AND OBSERVERS	
60.	Representatives of organizations that have received a standing invitation from the General Assembly to participate in the capacity of observers in the sessions and work of all international conferences convened under its auspices	15
61.	Representatives of national liberation movements	16
62.	Representatives of specialized and related agencies	16
63.	Representatives of other intergovernmental organizations	16
63 bis	Representatives of organizations of regional economic integration	16
64.	Representatives of interested United Nations organs	16
65.	Representatives of non-governmental organizations	16-17
66.	Written statements	17
	XIII. SUSPENSION OF THE RULES OF PROCEDURE	
67.	Method of suspension	17
68.	Other procedural matters	17

CONTENTS (continued)

Page

APPENDIX 18

Declaration incorporating the "Gentleman's Agreement" reached by the Informal Consultations on 1 November 1990 concerning the mandate of the Review Conference.

and

Statement to be placed on record by the Senior Legal Adviser in connection with the above Declaration.

Notes 19

I. REPRESENTATION AND CREDENTIALS

Rule 1

Composition of delegations

Each State participating in the Conference shall be represented by a head of delegation and by no more than two other accredited representatives and such alternate representatives and advisers as may be required.

Rule 2

Alternates and advisers

The head of delegation may designate an alternate representative or an adviser to act as a representative.

Rule 3

Submission of credentials

The credentials of representatives and the names of alternate representatives and advisers shall be submitted to the Secretary-General of UNCTAD if possible not less than one week before the date fixed for the opening of the Conference. Any later change in the composition of delegations shall also be submitted to the Secretary-General of UNCTAD. The credentials shall be issued by the Head of State or Government or by the Minister for Foreign Affairs or by the Permanent Mission to the United Nations of the State at Geneva upon the explicit authorization of the Head of State or Government or the Minister for Foreign Affairs.

Rule 4

Credentials Committee

A Credentials Committee of nine members shall be appointed from among States participating in the Conference, with due regard to equitable geographical distribution. It shall examine the credentials of representatives and report to the Conference without delay.

Rule 5

Provisional participation in the Conference

Pending a decision of the Conference upon their credentials, representatives shall be entitled to participate provisionally in the Conference.

II. OFFICERS

Rule 6

Election

1. The Conference shall elect, with due regard to equitable geographical distribution:

(a) From among the representatives of Contracting Parties to the Convention, the following officers: a President and a Rapporteur, a Chairman for each of the two Main Committees provided for in rule 47 as well as the Chairman of the Legal Drafting Committee provided for in rule 48, if and when such Committee is established;

(b) From among all the participating States, 14 Vice-Presidents.

2. The President and the Rapporteur of the Conference shall not be eligible for election as Chairman of a Main Committee. Nor shall the Chairman of a Main Committee be eligible for election as a Vice-President of the Conference.

Rule 7

Term of office and replacement

1. Should the Conference hold more than one session, and unless the Conference decides otherwise, all officers shall serve for all sessions of the Conference.

2. If an officer resigns or ceases to be able to perform his functions or to be a representative of a participating State, the Conference shall as soon as possible elect a new officer. If the office thus vacated is that of the President, the other officers who constitute the General Committee shall select one of the Vice-Presidents to serve as Acting President until the new President has been elected.

Rule 8

Absence of the President

1. If the President is to be absent from a meeting or any part thereof, he shall designate a Vice-President to take his place.

2. A Vice-President acting as President shall have the same powers and duties as the President.

Rule 9

Voting rights of the President

The President or a Vice-President acting as President, shall not vote, but may appoint another member of his delegation to vote in his place.

2. The Legal Drafting Committee shall, without reopening discussion on any substantive matter, prepare drafts and give advice on drafting as requested by the Conference or either of its Main Committees. Subject to any general instructions of the Conference, it shall co-ordinate and review the drafting of all texts referred to it, without altering their substance, and shall report, as appropriate, either to the Conference or to the Main Committee concerned.

Rule 49

Working groups

The Conference, the Main Committees and the Legal Drafting Committee may establish working groups on which each State participating in the Conference may be represented. In the establishment of working groups, account shall be taken of the availability of conference-servicing facilities.

Rule 50

Officers

1. Each Main Committee shall, unless it decides otherwise, elect a Vice-Chairman-cum-Rapporteur.

2. Each other subsidiary organ shall elect such officers as it considers necessary, in addition to any that may have been elected for it by the Conference pursuant to subparagraph 1(a) of rule 6.

Rule 51

Procedures

The rules relating to officers (rules 6 to 9), the secretariat of the Conference (rules 13 to 15), the conduct of business of the Conference (rules 18 to 34), decision-making (rules 35 to 46) and other participants and observers (rules 60 to 65) shall be applicable, mutatis mutandis, to the proceedings of committees and working groups, except as these may otherwise provide and except that:

(a) The chairmen of subsidiary organs other than Main Committees may exercise the right to vote;

(b) The chairmen of any subsidiary organ of limited membership may declare a meeting open and permit the debate to proceed when representatives of a majority of its members are present;

(c) Decisions of committees and working groups shall be taken by a majority of the representatives present and voting, but the reconsideration of a proposal shall require the majority established by paragraph 1 of rule 34.

IX. LANGUAGES

Rule 52

Languages of the Conference

Arabic, Chinese, English, French, Russian and Spanish shall be the languages of the Conference.

Rule 53

Interpretation

1. Speeches made in a language of the Conference shall be interpreted into the other such languages, unless such interpretation has not been requested by the representative of any State participating in the Conference.

2. A representative may speak in a language other than a language of the Conference if the delegation concerned provides for interpretation into one such language.

Rule 54

Language of official documents

Official documents shall be made available in the languages of the Conference.

X. RECORDS AND REPORTS

Rule 55

Records of meetings

1. There shall be neither verbatim nor summary records of meetings.

2. Statements made at the Conference shall not be reproduced in extenso either as separate documents or as an integral part of or attached to any report of a subsidiary organ or of the Conference unless, in exceptional cases, they are of a technical nature and served or are to serve as bases for discussion, and a decision to reproduce them has been taken by the Conference or the organ concerned.

Rule 56

Sound recordings

Sound recordings of plenary meetings of the Conference and of meetings of the Main Committees, the General Committee and the Drafting Committee shall be made and kept in accordance with the practice of the United Nations. Unless otherwise decided by the organ that established a working group, no such recordings shall be made of the meetings of the latter.

Rule 57

Report of the Conference

1. Unless the Conference decides otherwise, it shall issue a report on the debates in the plenary and in the two Main Committees of the Conference, subject to the provisions of rule 55, paragraph 2.

2. Unless the Conference decides otherwise, the draft of a report shall be prepared and submitted to the Conference by the Rapporteur, who may be assisted by "friends" designated by each regional group the members of which are participating in the Conference. Unless the Conference decides otherwise, the Rapporteur, in consultation with his "friends", may authorize corrections to and editorial changes in the report adopted by the Conference.

XI. PUBLIC AND PRIVATE MEETINGS

Rule 58

General principles

1. The plenary meetings of the Conference and the meetings of the Main Committees shall be held in public unless the organ concerned decides otherwise.

2. Meetings of other organs of the Conference shall be held in private unless the Conference or the organ concerned decides otherwise.

Rule 59

Communiqués on private meetings

At the close of a private meeting, the Conference or the Main Committee concerned may issue a communiqué to the press through the secretariat of the Conference.

XII. OTHER PARTICIPANTS AND OBSERVERS

Rule 60

Representatives of organizations that have received a standing invitation from the General Assembly to participate in the capacity of observers in the sessions and work of all international conferences convened under its auspices

Representatives designated by organizations that have received a standing invitation from the General Assembly to participate in the sessions and work of all international conferences convened under its auspices have the right to participate as observers, without the right to vote, in the deliberations of the Conference, its Main Committees and, as appropriate, any working group.

Rule 61

Representatives of national liberation movements

Representatives designated by national liberation movements invited to the Conference may participate as observers, without the right to vote, in the deliberations of the Conference, its Main Committees and, as appropriate, any working group on any matter of particular concern to those movements.

Rule 62

Representatives of specialized and related agencies 2/

Representatives designated by the specialized and related agencies may participate, without the right to vote, in the deliberations of the Conference, its Main Committees and, as appropriate, any working group on questions within the scope of their activities.

Rule 63

Representatives of other intergovernmental organizations

Representatives designated by intergovernmental organizations in consultative status with UNCTAD may participate as observers, without the right to vote, in the deliberations of the Conference, its Main Committees and, as appropriate, any working group on questions within the scope of their activities.

Rule 63 bis

Representatives of organizations of regional economic integration

Organizations of regional economic integration having competence in specific fields covered by the Code may designate representatives to participate, without the right to vote, in the work and deliberations of the Conference, the Main Committees, and as appropriate, the subsidiary organs on questions falling within the scope of their competence.

Rule 64

Representatives of interested United Nations organs

Representatives designated by interested organs of the United Nations may participate as observers, without the right to vote, in the deliberations of the Conference, its Main Committees and, as appropriate, any working group on questions within the scope of their activities.

Rule 65

Representatives of non-governmental organizations

1. Non-governmental organizations invited to the Conference may designate representatives to sit as observers at public meetings of the Conference and its Main Committees.

UNITED
NATIONS

TD

United Nations Conference
on Trade and Development

Distr.
GENERAL

TD/CODE.2/11
10 June 1991

Original: ENGLISH

REVIEW CONFERENCE OF THE UNITED NATIONS CONVENTION
ON A CODE OF CONDUCT FOR LINER CONFERENCES
Resumed session
Geneva, 21 May 1991
Agenda item 12

CONSIDERATION OF FINAL DOCUMENTS AND RESOLUTIONS

Resolution II */

The Review Conference on the United Nations Convention on a Code of Conduct for Liner Conferences,

Having convened in Geneva from 31 October to 18 November 1988 and from 21 May to 7 June 1991, pursuant to Article 52, paragraph 1, of the United Nations Convention on a Code of Conduct for Liner Conferences, and having reviewed the working and implementation of the Convention,

Noting that the Convention constitutes a widely accepted flexible international legal instrument, taking into account the special needs and problems of developing countries,

Noting the magnitude of technological and structural changes in liner shipping since the adoption of the Convention in 1974,

Having reached agreement on certain matters relating to the working and implementation of the Convention as reflected in this resolution,

---

*/ Adopted at the 11th (closing) plenary meeting of the resumed session of the Review Conference on the United Nations Convention on a Code of Conduct for Liner Conferences, on 7 June 1991.

GE.91-51081

1. Reaffirms the continuing validity of the United Nations Convention on a Code of Conduct for Liner Conferences;

2. Adopts the following guidelines:

(a) The provisions of the Convention should not be seen as excluding a shipping line which is a container slot/space-charter operator from becoming a member of a liner conference, subject to the provisions of Article 1, paragraph 2, of the Convention. Article 1, paragraph 2, and Article 2, paragraph 11, of the Convention should not be seen as excluding container slot-charter or space sharing arrangements;

(b) The provisions of Article 2 of the Convention apply to the international sea-leg of multimodal transport services;

(c) The provisions of Article 2 of the Convention apply when cargoes are carried through transhipment, including cargoes to and from landlocked countries;

(d) Governments may seek consultations with one another over issues of concern arising from the implementation of the Convention;

(e) A group of national shippers or shippers' organizations from more than one country may participate in the consultations under Article 11 of the Convention on behalf of national shipper interests;

(f) States Contracting Parties may take such measures as are necessary to ensure the implementation of the Convention. Such measures may include consultations involving the appropriate authorities, liner conferences, shipping lines and shippers and shippers' organizations concerned;

3. Invites all States Contracting Parties to strengthen their efforts towards the effective implementation of the Convention, taking into account its objectives and principles;

4. Calls upon liner conferences, shippers, shippers' organizations, States Contracting Parties or their appropriate authorities at the two ends of the trade to which the Convention applies to hold consultations, as and when appropriate, in order to find mutually acceptable solutions to problems relating to the working and implementation of the Convention;

5. Invites all States Contracting Parties which have not yet done so to take the necessary legislative and - as appropriate - other measures to implement the Convention, taking into account its objectives and principles and the above-mentioned guidelines;

6. Urges that the implications for the developing countries of the continuing technological and structural changes which have a bearing on the Convention be discussed between the relevant commercial parties concerned and, where necessary, Governments of States Contracting Parties, on a bilateral, subregional and/or regional basis, with a view to finding satisfactory solutions;

7. Requests UNCTAD and relevant intergovernmental organizations to continue to study these implications within the context of their programmes of work during the 1990s;

8. Requests the Registrar, appointed in accordance with Article 46, paragraph 1, of the Convention, to provide, within available resources, guidance and assistance to Governments, at their request, towards a better understanding and effective implementation of the Convention;

9. Invites all States which have not yet become Contracting Parties to the Convention to consider ratifying or acceding to the Convention;

III. GENERAL COMMITTEE

Rule 10

Composition

1. The officers elected pursuant to rule 6 shall constitute the General Committee. The chairman or another designated representative of any subsidiary organ not represented on the Committee may participate in its proceedings, without the right to vote.

2. If any member of the General Committee is to be absent from one of its meetings, he may designate another member of his delegation to participate and vote in his place. The chairman of any subsidiary organ represented on the Committee may also designate a vice-chairman to participate in the proceedings of the Committee, without the right to vote.

Rule 11

Officers

The President, or in his absence one of the Vice-Presidents designated by him, shall serve as Chairman and, if necessary, the Rapporteur shall serve as Rapporteur of the General Committee.

Rule 12

Functions

In addition to performing other functions specified in these rules, the General Committee shall assist the President in the general conduct of the business of the Conference and, subject to the decisions of the Conference, shall ensure the co-ordination of its work.

IV. SECRETARIAT

Rule 13

Direction of the secretariat of the Conference

On behalf of the Secretary-General of the United Nations, the Secretary-General of UNCTAD shall be responsible for making all the necessary arrangements for the carrying out of the work of the Conference. For that purpose he shall appoint the Director-in-charge of substantive matters, the Secretary of the Conference and such other staff as may be required by the Conference, its committees and other subsidiary organs. The Secretary of the Conference shall act in that capacity at all meetings and shall be responsible for making all arrangements connected with such meetings.

Rule 14

Administrative duties of the secretariat of the Conference

The secretariat of the Conference shall, in accordance with these rules and any pertinent directives of the General Assembly:

(a) Interpret speeches made at meetings;

(b) Make and arrange for the keeping of sound recordings of meetings;

(c) Receive, translate and circulate the documents of the Conference;

(d) Report the proceedings of the Conference in appropriate journals;

(e) Publish and circulate any report of or instrument adopted by the Conference;

(f) Arrange for the custody of the documents and records of the Conference in the archives of the United Nations;

(g) Generally perform all other work that the Conference may require in connection with its proceedings.

Rule 15

Statements by the secretariat

The Secretary-General of the United Nations or the Secretary-General of UNCTAD, or any member of the Secretariat designated by either of them for that purpose, may, subject to rule 21, make statements concerning any question under consideration.

V. OPENING OF THE CONFERENCE

Rule 16

Temporary President

At the opening of the Conference, the Secretary-General of the United Nations, the Secretary-General of UNCTAD, or a member of the Secretariat designated by either, shall preside until the Conference has elected its President.

Rule 17

Decisions concerning organization

On the basis of recommendations emerging from pre-conference consultations, the Conference shall, to the extent possible at its 1st meeting:

(a) Elect its officers and constitute its subsidiary organs;

(b) Make decisions concerning the application of these rules, and adopt any supplementary rules of procedure;

(c) Adopt its agenda, the draft of which shall, until such adoption, be the provisional agenda of the Conference;

(d) Decide on the organization of its work.

VI. CONDUCT OF BUSINESS

Rule 18

Quorum

The President may declare a meeting open and permit the debate to proceed when representatives of at least one third of the Contracting Parties to the Convention participating in the current session of the Conference are present. The presence of representatives of a two thirds majority of the Contracting Parties to the Convention participating in the current session of the Conference shall be required for decisions to be taken on matters of substance.

Rule 19

General powers of the President

1. In addition to exercising the powers conferred upon him elsewhere by these rules, the President shall preside at the plenary meetings of the Conference, declare the opening and closing of each such meeting, direct the discussions, ensure observance of these rules, accord the right to speak, put questions to the vote and announce decisions. He shall, subject to these rules, have complete control of the proceedings and over the maintenance of order thereat. The President may propose to the Conference the closing of the list of speakers, a limitation on the time allowed to speakers and on the number of times the representatives of each participant in the Conference may speak on a question, the adjournment of the closure of the debate and the suspension or the adjournment of a meeting.

2. The President, in the exercise of his functions, remains under the authority of the Conference.

Rule 20

Points of order

Subject to rule 40, a representative may at any time raise a point of order, which shall be immediately decided upon by the President in accordance with these rules. A representative may appeal against the ruling of the President. The appeal shall be immediately put to the vote, and the President's ruling shall stand unless overruled by a majority of the representatives present and voting. A representative may not, in raising a point of order, speak on the substance of the question under discussion.

Rule 21

Speeches

1. No one may address the Conference without having previously obtained the permission of the President. Subject to rules 20, 22 and 24 to 27, the President shall call upon speakers in the order in which they signify their desire to speak.

2. All interventions shall be confined to the question before the Conference and the President may call a speaker to order if his remarks are not relevant to the question under discussion.

3. The Conference may limit the time allowed to speakers and the number of times the representatives of each participant may speak on a question. Permission to speak on a motion to set such limits shall be accorded only to two representatives in favour of and to two opposing such limits, after which the motion shall be immediately put to the vote. In any event, the limitations specified in rule 24 shall be observed, and the President shall limit each intervention on a procedural question to a maximum of five minutes. When the debate is limited and a speaker exceeds the allotted time, the President shall call him to order without delay.

Rule 22

Precedence

The Chairman or the Vice-Chairman-cum-Rapporteur of a Main Committee or a representative designated by any other subsidiary organ may be accorded precedence for the purpose of explaining the conclusions arrived at by the organ.

Rule 23

Closing the list of speakers

In the course of a debate, the President may announce the list of speakers and, with the consent of the Conference, declare the list closed. When there are no more speakers, the President shall, with the consent of the Conference, declare the debate closed. Such closure shall have the same effect as closure pursuant to rule 26.

Rule 24

Right of reply

1. Notwithstanding rule 23, the President shall accord the right of reply to the delegation of any State participating in the Conference that requests it. Other delegations may be granted the opportunity to make a reply.

2. Replies made pursuant to the present rule:

(a) Shall be made at the end of the last meeting of the day, or at the conclusion of the consideration of the relevant item if that is sooner;

2. Upon the invitation of the presiding officer of the Conference body concerned and subject to the approval of that body, such observers may make oral statements on questions in which they have special competence.

Rule 66

Written statements

Written statements submitted by the designated representatives or observers referred to in rules 60 to 65 shall be distributed by the secretariat to all delegations in the quantities and in the languages in which the statements are made available to the secretariat for distribution, provided that a statement submitted on behalf of a non-governmental organization is on a subject in which the organization has a special competence and is related to the work of the Conference.

XIII. SUSPENSION OF THE RULES OF PROCEDURE

Rule 67

Method of suspension

Any of these rules may be suspended by the Conference provided that 24 hours' notice of the proposal for the suspension has been given, which may be waived if no representative objects. Any such suspension shall be limited to a specific and stated purpose and to a period required to achieve that purpose.

Rule 68

Other procedural matters

Any procedural matter not covered by these rules shall be settled in accordance with the rules and practices of the General Assembly.

APPENDIX

Declaration incorporating the "Gentleman's Agreement" reached by the Informal Consultations on 1 November 1990 concerning the mandate of the Review Conference

The mandate of the "United Nations Review Conference on the Convention on a Code of Conduct for Liner Conferences", in accordance with Aritcle 52, paragraph 1, of the Convention, is to review the working and implementation of the Convention and to consider and adopt appropriate amendments and/or other instruments, leaving unaltered the fundamental objectives and basic principles of the Convention as contained in the Convention and its annex.

***

Statement to be placed on record by the Senior Legal Adviser in connection with the above Declaration

Article 52, paragraph 1 of the Convention states that:

> "A Review Conference shall be convened by the depositary five years from the date on which the present Convention comes into force to review the working of the Convention, with particular reference to its implementation, and to consider and adopt appropriate amendments."

The Conference, in carrying out its mandate as elaborated above, should give attention to the meaning of the words "review", "working", "implementation" and "appropriate amendments", which in the view of the secretariat set the scope of the work of the Review Conference and the manner in which it should be carried out.

Notes

1/ In these rules of procedure, reference to the "Convention" means the Convention on a Code of Conduct for Liner Conferences concluded on 6 April 1974.

2/ Other organizations that have a relationship agreement or an established relationship with the United Nations, such as the International Atomic Energy Agency, the World Tourism Organization and the General Agreement on Tariffs and Trade.

10. Requests the Secretary-General of the United Nations to convene the next Review Conference in accordance with the provisions of Article 52 of the Convention;

11. Instructs the depositary to seek the views of all States entitled to attend the next Review Conference in preparing the relevant documentation for such Conference;

12. Calls upon all States entitled to attend the next Review Conference to contribute, as appropriate, to the preparation for such Conference to be undertaken by the depositary.

11th plenary meeting
7 June 1991

(b) Shall be limited to two per item for any delegation at a given meeting, the first of which is not to exceed five minutes and the second three minutes.

Rule 25

Adjournment of debate

A representative may at any time move the adjournment of the debate on the question under discussion. Permission to speak on the motion shall be accorded only to two representatives in favour of and to two opposing the adjournment, after which the motion shall, subject to rule 28, be immediately put to the vote.

Rule 26

Closure of debate

A representative may at any time move the closure of the debate on the question under discussion, whether or not any other representative has signified his wish to speak. Permission to speak on the motion shall be accorded only to two representatives opposing the closure, after which the motion shall, subject to rule 28, be immediately put to the vote.

Rule 27

Suspension or adjournment of the meeting

Subject to rule 40, a representative may at any time move the suspension or the adjournment of the meeting. No discussion on such motions shall be permitted and they shall, subject to rule 28, be immediately put to the vote.

Rule 28

Priority of motions

The motions indicated below shall have priority in the following order over all proposals or other motions before the Conference:

(a) To suspend the meeting;

(b) To adjourn the meeting;

(c) To adjourn the debate on the question under discussion;

(d) To close the debate on the question under discussion.

UNITED
NATIONS

TD

United Nations Conference
on Trade and Development

Distr.
GENERAL

TD/CODE.2/12
12 June 1991

Original: ENGLISH

REVIEW CONFERENCE ON THE UNITED NATIONS CONVENTION
ON A CODE OF CONDUCT FOR LINER CONFERENCES
Resumed session
Geneva, 21 May 1991
Agenda item 3

RULES OF PROCEDURE */

*/ Adopted by the Review Conference at its 9th plenary meeting on 23 May 1991.

GE.91-51092

CONTENTS

Rule		Page
	I. REPRESENTATION AND CREDENTIALS	
1.	Composition of delegations	1
2.	Alternates and advisers	1
3.	Submission of credentials	1
4.	Credentials Committee	1
5.	Provisional participation in the Conference	1
	II. OFFICERS	
6.	Election	2
7.	Term of office and replacement	2
8.	Absence of the President	2
9.	Voting rights of the President	2
	III. GENERAL COMMITTEE	
10.	Composition	3
11.	Officers	3
12.	Functions	3
	IV. SECRETARIAT	
13.	Direction of the secretariat of the Conference	3
14.	Administrative duties of the secretariat of the Conference	4
15.	Statements by the secretariat	4
	V. OPENING OF THE CONFERENCE	
16.	Temporary President	4
17.	Decisions concerning organization	4-5

Rule 29

Basic documents

The basic documents for consideration by the Conference shall be:

- The Final Act (including the Convention and resolutions) of the United Nations Conference of Plenipotentiaries on a Code of Conduct for Liner Conferences (TD/CODE/13/Add.1, TD/CODE/13/Add.1/Corr.1 and TD/CODE/13/Add.1/Corr.2);

- The report of the UNCTAD secretariat entitled "Views of Governments on the Review Conference" setting out the views expressed by Governments in accordance with the provisions of Article 52, paragraph 2 of the Convention (TD/CODE.2/3);

- The report of the UNCTAD secretariat entitled "Issues for the Review Conference" (TD/CODE.2/4).

Rule 30

Proposals and amendments

Proposals and amendments to the Convention on a Code of Conduct for Liner Conferences shall normally be submitted in writing to the Secretary of the Conference, who shall circulate copies thereof to all delegations in the languages of the Conference. Unless the Conference decides otherwise, substantive proposals shall not be discussed or put to the vote until the day after copies thereof have been circulated to the delegations of all States participating in the Conference.

Rule 31

Withdrawal of proposals and motions

A proposal or a motion may be withdrawn by its sponsor at any time before voting on it has commenced, provided that it has not been amended by decision of the Conference. A proposal or a motion thus withdrawn may be reintroduced by any representative with its original priority, provided he does so promptly and it has not been substantially changed.

Rule 32

Decisions on competence

Any motion calling for a decision on the competence of the Conference to discuss any matter or to adopt a proposal submitted to it shall be decided before the matter is discussed further or a decision is taken on the proposal in question.

Rule 33

Consideration of programme budget implications

Before the Conference takes a decision or makes a recommendation the implementation of which might have programme budget implications for the United Nations, it shall receive and consider a report from the secretariat on such implications.

Rule 34

Reconsideration of proposals

1. When a proposal or amendment covered by paragraph 1 of rule 37 has been adopted or rejected, it may not be reconsidered unless the Conference by a four-fifths majority of the representatives of Contracting Parties present and voting so decides. When a proposal on all other matters of substance is not covered by paragraph 1 of rule 37, it may not be reconsidered unless the Conference by a two-thirds majority of representatives present and voting so decides, provided this majority includes four fifths of Contracting Parties present and voting. Permission to speak on a motion to reconsider shall be accorded only to two speakers opposing reconsideration, after which the motion shall be immediately put to the vote.

2. The Conference may decide to limit this rule to the reconsideration of proposals at the same session.

VII. DECISION-MAKING

Rule 35

Consensus

1. The Conference shall make every effort to ensure that its decisions are taken by consensus or general agreement or otherwise without a vote.

2. Subject to paragraph 1 above, proposals on amendments shall be voted on if not less than one third of the Contracting Parties present so request.

3. All other proposals shall be voted on if not less than one third of the participants present so request.

Rule 36

Voting Rights

Subject to rule 37 each State participating in the Conference shall have one vote.

Rule 37

Majority required

1. Decisions of the Review Conference on amendments shall be taken by a four-fifths majority of the Contracting Parties present and voting.

2. Decisions of the Conference on all other matters of substance not covered by paragraph 1 shall be taken by a two-thirds majority of representatives present and voting, provided that this majority includes four fifths of Contracting Parties present and voting.

3. Unless the Conference decides otherwise and except as otherwise provided in these rules decisions on all matters of procedure shall be taken by a simple majority of the representatives present and voting.

4. If the question arises whether a matter is one of procedure or of substance, this shall be decided by the Conference by a majority of the representatives present and voting.

5. If a vote is equally divided on a decision requiring a simple majority, the proposal or motion shall be regarded as rejected.

6. For the purpose of these rules, the phrase "representatives present and voting" means representatives casting an affirmative or negative vote. Representatives who abstain from voting shall be regarded as not voting.

Rule 38

Method of voting

1. Except as provided in rule 45, the Conference shall normally vote by show of hands, but any representative may request a roll-call, which shall then be taken in the English or French alphabetical order of the names of the States participating in the Conference, beginning with the delegation whose name is drawn by lot by the President. The name of each such State shall be called in all roll-calls, and its representative shall reply "yes", "no" or "abstention".

2. The vote of each State participating in a roll-call shall be inserted in any record of or report on the meeting.

Rule 39

Explanation of vote or position

1. Representatives may make brief statements consisting solely of explanations of vote, before the voting has commenced or after the voting has been completed. The President may limit the time to be allowed for such explanations. The representatives of a State sponsoring a proposal or motion shall not speak in explanation of vote thereon, except if it has been amended.

2. When the same matter is considered successively in several organs of the Conference, the representatives of a State should, as far as possible, explain the votes of their delegation only in one such organ, unless those votes differ.

3. Similarly, explanatory statements of position may be made in connection with a decision taken without a vote.

CONTENTS (continued)

Rule		Page
39.	Explanation of vote or position	10
40.	Conduct during voting	11
41.	Division of proposals	11
42.	Amendments to proposals	11
43.	Order of voting on amendments to proposals	11
44.	Order of voting on proposals	11-12
45.	Elections	12
46.	Balloting	12
	VIII. SUBSIDIARY ORGANS	
47.	Main Committees	12
48.	Legal Drafting Committee	12-13
49.	Working groups	13
50.	Officers	13
51.	Procedures	13
	IX. LANGUAGES	
52.	Languages of the Conference	14
53.	Interpretation	14
54.	Languages of official documents	14
	X. RECORDS AND REPORTS	
55.	Records of meetings	14
56.	Sound recordings	14
57.	Report of the Conference	15

2. Revised proposals shall be voted on in the order in which the original proposals were submitted, unless the revision substantially departs from the original proposal. In that case, the original proposal shall be considered as withdrawn and the revised proposal shall be treated as a new proposal.

3. A motion requiring that no decision be taken on a proposal shall have priority over that proposal.

Rule 45

Elections

1. All elections shall be held by secret ballot unless, in the absence of any objection, the Conference decides to proceed without taking a ballot on an agreed candidate or slate of candidates.

2. When candidates are to be nominated, each nomination shall be made by only one representative, after which the Conference shall immediately proceed to the election.

Rule 46

Balloting

1. When one or more elective places are to be filled at one time under the same conditions, each delegation entitled to vote may cast a vote for as many candidates as there are places to be filled, and those candidates, in a number not exceeding the number of such places, obtaining in the first ballot a majority of the votes cast and the largest number of votes shall be elected.

2. If the number of candidates so elected is less than the number of places to be filled, additional ballots shall be held to fill the remaining places. From such ballots the candidates obtaining the least number of votes in the previous ballot may be eliminated on the proposal of the President.

VIII. SUBSIDIARY ORGANS

Rule 47

Main Committees

The Conference shall establish two Main Committees (First and Second Committee) on which each State participating in the Conference may be represented.

Rule 48

Legal Drafting Committee

1. The Conference may establish a Legal Drafting Committee which, unless the Conference decides otherwise, shall consist of a Chairman, elected by the Conference pursuant to subparagraph (a) of rule 6, and of 13 other members, selected so that each language in which any instrument to be adopted by the Conference is to be authentic will be adequately represented, and with due regard to equitable geographical distribution. The Rapporteur shall be an ex-officio member of the Committee, without the right to vote.

CONTENTS (continued)

VI. CONDUCT OF BUSINESS

Rule		Page
18.	Quorum	5
19.	General powers of the President	5
20.	Points of order	5
21.	Speeches	6
22.	Precedence	6
23.	Closing of the list of speakers	6
24.	Right of reply	6-7
25.	Adjournment of debate	7
26.	Closure of debate	7
27.	Suspension or adjournment of the meeting	7
28.	Priority of motions	7
29.	Basic documents	8
30.	Proposals and amendments	8
31.	Withdrawal of proposals and motions	8
32.	Decisions on competence	8
33.	Consideration of programme budget implications	9
34.	Reconsideration of proposals	9

VII. DECISION-MAKING

35.	Consensus	9
36.	Voting rights	9
37.	Majority required	10
38.	Method of voting	10

Rule 40

Conduct during voting

After the President has announced the commencement of a vote, the voting shall not be interrupted until the result has been announced, except on a point of order in connection with the process of voting.

Rule 41

Division of proposals

A representative may move that parts of a proposal be voted on separately. If a representative objects, the motion for division shall be voted upon. Permission to speak on the motion shall be accorded only to two representatives in favour of and to two opposing the division. If the motion is carried, those parts of the proposal that are subsequently approved shall be put to the vote as a whole. If all operative parts of the proposal have been rejected, the proposal shall be considered to have been rejected as a whole.

Rule 42

Amendments to proposals

A proposal is considered an amendment to another proposal if it merely adds to, deletes from or revises part of that proposal. Unless specified otherwise, the word "proposal" in these rules shall be considered as including amendments.

Rule 43

Order of voting on amendments to proposals

1. When an amendment is moved to a proposal, the amendment shall be voted on first. When two or more amendments are moved to a proposal, the Conference shall vote first on the amendment furthest removed in substance from the original proposal and then on the amendment next furthest removed therefrom and so on until all the amendments have been put to the vote. Where, however, the adoption of one amendment necessarily implies the rejection of another amendment, the latter shall not be put to the vote. If one or more amendments are adopted, the amended proposal shall then be voted upon.

2. When the Conference decides, in accordance with rule 41, to consider an extensive text in convenient portions (such as paragraphs or articles), each of these shall be treated as a separate proposal for the purpose of paragraph 1.

Rule 44

Order of voting on proposals

1. If two or more proposals, other than amendments to proposals, relate to the same question, they shall, unless the Conference decides otherwise, be voted on in the order in which they were submitted. The Conference may, after each vote on a proposal, decide whether to vote on the next proposal.